

MONDAY, MARCH 9, 1998

SEVENTY-FIRST LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Wood.

Representative Wood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Boner; business reasons

Representative Kerr; business reasons

PERSONAL ORDERS

RULES SUSPENDED

Rep. Hargett moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 571 out of order, which motion prevailed.

House Joint Resolution No. 571 -- Memorials, Personal Occasion - Mr. and Mrs. John S. Pitts, 50th wedding anniversary. by *Hargett.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargett, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 331: Rep(s). Cooper as prime sponsor(s).

House Joint Resolution No. 570: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 87: Rep(s). Turner(Shelby) as first prime sponsor(s).

House Bill No. 1262: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 1899: Rep(s). Kisber, Maddox, Stulce, Naifeh, Robinson, Hargrove, L. DeBerry, Chumney, Ridgeway, Bowers, White, Miller, Fitzhugh, Arriola, West, Williams, Sands, Hood, McDonald, Cole(Dyer) and Fraley as prime sponsor(s).

House Bill No. 2079: Rep(s). Haley as prime sponsor(s).

House Bill No. 2195: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2202: Rep(s). McMillan, Sargent, Scroggs, Stamps, Dunn, Hargett, Newton, Haley, Walker(Blount), Patton, Boyer and Walker(Rhea) as prime sponsor(s).

House Bill No. 2264: Rep(s). Turner(Hamilton) as prime sponsor(s).

House Bill No. 2469: Rep(s). Arriola, Curtiss and Miller as prime sponsor(s).

House Bill No. 2583: Rep(s). Stulce, Walker(Rhea), Whitson, Bittle, Hargrove, Kent, Boyer, Sharp, Sargent and Huskey as prime sponsor(s).

House Bill No. 2615: Rep(s). Phelan, Rinks, White, Fitzhugh, McKee, Roach, Huskey and Davis as prime sponsor(s).

House Bill No. 2718: Rep(s). Maddox as prime sponsor(s).

House Bill No. 2732: Rep(s). Boyer as prime sponsor(s).

House Bill No. 2907: Rep(s). Caldwell as prime sponsor(s).

House Bill No. 2967: Rep(s). Armstrong, Tindell, Burchett and Turner(Hamilton) as prime sponsor(s).

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House Bill No. 2970: Rep(s). Hargrove, Dunn, Patton, Walker(Blount), Sargent, Walker(Rhea), Boyer, Scroggs, Hargett and Turner(Hamilton) as prime sponsor(s).

House Bill No. 3152: Rep(s). Boyer, White, Pleasant, Haley, Hargett, Patton, Ford, Dunn, Fraley, Bone, Caldwell and Tidwell as prime sponsor(s).

House Bill No. 3154: Rep(s). Fitzhugh, Patton, Ford, Dunn, Sargent and Walker(Rhea) as prime sponsor(s).

House Bill No. 3163: Rep(s). Kent and Cole(Carter) as prime sponsor(s).

House Bill No. 3177: Rep(s). Walker(Rhea) as prime sponsor(s).

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2025; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2116; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed by the Senate to request the return of House Bill(s) No(s). 3369; for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 507; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 507 -- Memorials, Public Service - Freeman Ipock, Citizen of the Year. by *Graves.

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MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2729 and 3330; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2522; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2522** -- Teachers - Revises requirements of tests to be completed by persons wishing to teach. Amends TCA Section 49-5-5605. by *Springer.

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 695. The Senate non-concurred in House Amendment No. 4.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 545, 546, 547, 548, 549, 550, 551, 553, 554 and 555; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 11, 1998:

House Joint Resolution No. 572 -- Memorials, Personal Achievement - Beverly Jones, 1997 Governor's Trophy Citizen of the Year recipient. by *Boner.

House Joint Resolution No. 573 -- Memorials, Professional Achievement - Nashville YWCA, 100th Anniversary. by *Boner.

House Joint Resolution No. 574 -- Memorials, Personal Achievement - Susie Sims, Ms. Senior Tennessee. by *Maddox.

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House Joint Resolution No. 576 -- Memorials, Professional Achievement - The Daily Post-Athenian, 150 years service. by *McKee.

House Joint Resolution No. 577 -- Memorials, Professional Achievement - Woods Memorial Hospital, 1998 Tennessee Quality Commitment Award. by *McKee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3383 -- Pulaski - Subject to local approval, provides that rates for power, light and heat shall be established by the board of mayor and aldermen through power board of Pulaski electric system. Amends Chapter 711 of the Private Acts of 1949. by *Fowlkes.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2188** -- Criminal Offenses - Expands offense of false reporting to include false statements made by person in response to inquiry of law enforcement officer as well as false statements initiated by such person. Amends TCA Section 39-16-502. by *Ramsey.

***Senate Bill No. 2190** -- Consumer Protection - Prohibits telemarketers from offering lottery winnings to consumers in exchange for incurring monetary obligation or making a purchase; violation is theft and graded as such; clarifies such practice violates Consumer Protection Act. Amends TCA Title 39 and Title 47, Chapter 18. by *Rochelle.

Senate Bill No. 2229 -- Unemployment Compensation - Restricts use of Reed Act moneys credited or allocated for fiscal years 1999-2002 solely to administration of unemployment insurance program. Amends TCA 50-7-502(a). by *Elsea, *Atchley, *Dixon, *Rochelle.

***Senate Bill No. 2285** -- Bail, Bail Bonds - Requires defendant's surety be served with scire facias by certified mail at last known address when court orders that the defendant's bail bond is forfeited. Amends TCA Title 40, Chapter 11, Part 1. by *Rochelle.

***Senate Bill No. 2437** -- Alcoholic Beverages - Redefines "premiere type tourist resort" to include Riverwatch Development. Amends TCA Section 57-4-102(17). by *Crutchfield.

Senate Bill No. 2612 -- Surveyors - Revises certain requirements for renewal of registration of land surveyors. Amends TCA Title 62, Chapter 18. by *Haynes.

***Senate Bill No. 3015** -- Bonding, Surety and Professional - Establishes standard procedure for filing surety bonds of public officials. Amends TCA Title 5; Title 8; Title 9; Title 18; Title 54 and Title 67. by *Henry.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3382 -- Bristol - Local Bill Held on House Desk

CONSENT CALENDAR

***House Bill No. 2452** -- Uniform Commercial Code - Permits secretary of state to prescribe acceptable forms for filing of UCC documents Amends TCA Section 47-9-402(9). by *Hargrove. (SB2809 by *Crutchfield)

On motion, House Bill No. 2452 was made to conform with **Senate Bill No. 2809**; the Senate Bill was substituted for the House Bill.

House Bill No. 2915 -- Fees - Designates privilege tax for filing corporate documents as fee without changing amount Amends TCA Sections 48-11-303(a)-(c) and Sections 48-51-303(a)-(c). Repeals TCA Section 67-4-412. by *Hargrove. (*SB2811 by *Crutchfield)

House Bill No. 2718 -- Privacy, Confidentiality - Allows name, address and other identifying information concerning health care patient to be used in directory unless patient objects Amends TCA Title 68, Chapter 11, Part 15. by *Eckles. (*SB2591 by *Herron, *Harper)

***House Bill No. 2395** -- Alcoholic Offenses - Prohibits employees of permit holders, as well as permit holders, engaged in sale of beer from selling to minors. Amends TCA Section 57-5-301. by *Hargett. (SB2751 by *Person)

House Bill No. 2110 -- Highway Signs - Provides for erection of directional signs indicating most direct route to Fayetteville at Exit 127 on I-24. by *Phillips. (*SB2060 by *Cooper)

On motion, House Bill No. 2110 was made to conform with **Senate Bill No. 2060**; the Senate Bill was substituted for the House Bill.

House Bill No. 2709 -- Highway Signs - "Admiral Frank B. Kelso Highway," S.R. 50, Lincoln County. by *Phillips. (*SB3068 by *Cooper, *Womack)

On motion, House Bill No. 2709 was made to conform with **Senate Bill No. 3068**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2143** -- Taxes, Sales - Deletes prohibition against Knox County trustee being entitled to compensation for receiving and distributing locally imposed sales taxes. Amends TCA Section 67-6-712(c). by *Burchett. (SB2182 by *Atchley, *McNally, *Gilbert)

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House Bill No. 2449 -- Economic and Community Development - Authorizes Hamilton County and its cities to participate in Central Business Improvement District Act of 1990. Amends TCA Section 7-84-530. by *Brown, *Turner (Hamilton), *Sharp, *Stulce, *Wood, *McAfee. (*SB2428 by *Crutchfield, *Fowler)

On motion, House Bill No. 2449 was made to conform with **Senate Bill No. 2428**; the Senate Bill was substituted for the House Bill.

House Bill No. 2416 -- Aircraft and Airports - Provides specific exception from general law for professional requirements for board members on Knox County airport authority to require four seats instead of all governing board to be in one of professional fields of: engineering, law, industry, commerce and finance. Amends TCA Section 42-4-105. by *Bittle. (*SB2328 by *Atchley, *Clabough)

On motion, House Bill No. 2416 was made to conform with **Senate Bill No. 2328**; the Senate Bill was substituted for the House Bill.

House Bill No. 2685 -- Insurance, Health, Accident - Exempts out-of-state master group subscription contract transactions from prohibition relative to dental service plans. Amends TCA Title 56. by *Rhinehart. (*SB2394 by *Cooper)

***House Bill No. 3135** -- Managed Care Organizations - Requires non-TennCare health maintenance organizations to provide certain continuity of care and independent review entity for certain decisions by HMO. Amends TCA Title 56. by *Rhinehart. (SB3279 by *Rochelle, *Elsea)

House Bill No. 2613 -- Taxes, Agricultural and Open Spaces - Revises requirements for liability for rollback taxes if a sale results in property being disqualified as agricultural, forest or open space land. Amends TCA Section 67-5-1008. by *Rhinehart. (*SB2801 by *Rochelle)

House Bill No. 2739 -- Taxes - Establishes manner of distribution for situs based taxes in new municipal incorporations. Amends TCA Title 6, Chapter 1, Part 2; Title 6, Chapter 18, Part 1; Title 6, Chapter 30, Part 1. by *Rinks. (*SB2825 by *Ramsey)

House Bill No. 3212 -- Tennessee Wildlife Resources Agency - Authorizes TWRA to promulgate rules and regulations establishing fees and guidelines for sport firing ranges and to contract for operation and maintenance of such facilities; requires fees to be deposited in wildlife resources fund. Amends TCA Title 70, Chapter 2, Part 2. by *Cross. (*SB3224 by *Kyle)

House Bill No. 2775 -- Water - Requires water quality control board to establish notification registry to ensure any affected member of public notified ten days before any public hearing conducted on proposed board action. Amends TCA Title 69, Chapter 3. by *Buck. (*SB3052 by *Springer, *Dixon)

On motion, House Bill No. 2775 was made to conform with **Senate Bill No. 3052**; the Senate Bill was substituted for the House Bill.

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***House Bill No. 2230** -- Race Relations - Requires staff of historical commission to compile and publish guide on African-American markers placed throughout state to acquaint citizens and visitors with cultural and historical heritage of African-Americans in Tennessee. by *Pruitt, *Brooks, *Langster. (SB2320 by *Dixon, *Harper)

On motion, House Bill No. 2230 was made to conform with **Senate Bill No. 2320**; the Senate Bill was substituted for the House Bill.

House Bill No. 3034 -- Education, Higher - Rewrites portions of BEST program. Amends TCA Sections 49-7-802, 49-7-805(16), 49-7-807, 49-7-809(d), 49-7-809(e) and 49-7-810(c). by *Davidson. (*SB3151 by *Haynes, *Dixon)

On motion, House Bill No. 3034 was made to conform with **Senate Bill No. 3151**; the Senate Bill was substituted for the House Bill.

House Bill No. 3028 -- Victims Rights - Authorizes guardian of minor victim, legal representative of deceased victim and relative of victim to also file for travel expenses under victims compensation fund; expands criminal justice proceedings for which victim can claim travel expenses Amends TCA Title 29, Chapter 13 and 40 and Chapter 38. by *Buck. (*SB2581 by *Herron)

***House Bill No. 2220** -- Law Enforcement - Expands multi-jurisdiction power of law enforcement officers working drug cases to prosecutorial investigators and violent crime cases. Amends TCA 8-7-110. by *Kent, *McDaniel. (SB2235 by *Person, *Atchley)

***House Bill No. 3227** -- Civil Procedure - Prohibits expenditure of public funds to change name of person in custody and care of department of correction. Amends TCA Title 29, Chapter 8. by *Kent. (SB3282 by *Burks, *Springer, *Williams, *Ramsey)

***House Bill No. 2972** -- Highway Signs - VA Medical Center in Nashville, I-24, I-40, I-65, and I-440. by *Halteman Harwell, *Langster. (SB3164 by *Henry, *Harper)

On motion, House Bill No. 2972 was made to conform with **Senate Bill No. 3164**; the Senate Bill was substituted for the House Bill.

House Bill No. 2735 -- Sunset Laws - Repeals 9/1/98 sunset date on special workers' compensation appeals panel. - Repeals TCA Section 50-6-225(e)(7). by *Scroggs. (*SB2747 by *Person)

House Bill No. 3265 -- Memorials, Government Officials - Directs chancellor of state university and community college system to erect plaque on MTSU campus honoring James McGill Buchanan, MTSU graduate and Nobel laureate in economics; MTSU Foundation to bear cost of such marker. by *Hood, *Eckles, *Beavers, *Sands, *Frale, *Boner, *Lewis, *Fowlkes, *Williams (Williamson). (*SB2563 by *Womack)

On motion, House Bill No. 3265 was made to conform with **Senate Bill No. 2563**; the Senate Bill was substituted for the House Bill.

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House Bill No. 2555 -- Uniform Commercial Code - Repeals provisions relative to Bulk Sales; makes conforming amendments; preserves rights and obligations arising under repealed provisions. Amends TCA Section 47-1-105(2); Section 47-2-403 and Section 67-1-1801. Repeals TCA Title 47, Chapter 6 and Section 47-9-111; and to amend TCA Section 47-1-105(2); Section 47-2-403 and Section 67-1-1801. by *Hood, *Rhinehart, *Phelan, *Fitzhugh. (*SB2335 by *Rochelle)

On motion, House Bill No. 2555 was made to conform with **Senate Bill No. 2335**; the Senate Bill was substituted for the House Bill.

House Bill No. 3374 -- Bristol - Subject to local approval, revises charter relative to campaign expenses and related filings. Amends Chapter 84 of the Private Acts of 1991. by *Godsey, *Mumpower. (SB3378 by *Ramsey)

House Bill No. 3375 -- Bristol - Subject to local approval, deletes provision calling for filling of city council vacancies occurring not later than 30 days prior to qualification date of candidates by means of special election. Amends Chapter 84 of the Private Acts of 1991. by *Godsey, *Mumpower. (SB3379 by *Ramsey)

House Bill No. 3376 -- Pulaski - Subject to local approval, revises maximum fine or penalty imposed for violation of ordinance from \$50.00 to \$500. Amends Chapter 711 of the Private Acts of 1949, as amended. by *Fowlkes. (SB3375 by *Cooper)

House Bill No. 3377 -- Pulaski - Subject to local approval, revises date from March 1 to October 1 when taxes due to be paid. Amends Chapter 711 of the Private Acts of 1949; as amended. by *Fowlkes. (SB3374 by *Cooper)

House Bill No. 3378 -- Pulaski - Subject to local approval, revises requirement of hospitalization and medical treatment of members of police department injured in course of employment. Amends Chapter 711 of the Private Acts of 1949; as amended. by *Fowlkes. (SB3373 by *Cooper)

House Bill No. 3379 -- Ripley - Subject to local approval, creates office of city court clerk; revises procedures for assessment and collection of property taxes Amends Chapter 223 of the Acts of 1901; as amended. by *Fitzhugh. (SB3376 by *Leatherwood)

House Bill No. 3380 -- Westmoreland - Subject to local approval, increases salary of mayor and aldermen. Amends Chapter 306 of the Private Acts of 1951; as amended. by *McDonald. (SB3377 by *Graves)

House Bill No. 2616 -- Education, Higher - Revises provisions on lease of land to fraternities and sororities. Amends TCA Section 49-1-303. by *Davidson, *Winningham. (*SB2564 by *Womack)

House Bill No. 2618 -- Schools, Private and Charter - Updates references to accrediting agencies for private business schools. Amends TCA Section 49-4-301. by *Davidson. (*SB2407 by *Womack)

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On motion, House Bill No. 2618 was made to conform with **Senate Bill No. 2407**; the Senate Bill was substituted for the House Bill.

***House Resolution No. 151** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Tennessee Rules of Evidence. by *Buck.

***House Resolution No. 152** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Tennessee Rules of Appellate Procedure. by *Buck.

***House Resolution No. 153** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Tennessee Rules of Criminal Procedure. by *Buck.

House Resolution No. 168 -- Memorials, Sports - Jumping Jackets Jump Rope team. by *Ferguson.

House Joint Resolution No. 564 -- Memorials, Sports - Jeffrey Howard Roberts, 1997-1998 University of Tennessee drum major. by *Burchett.

House Joint Resolution No. 566 -- Memorials, Recognition and Thanks - Roosevelt Allen. by *Boyer.

House Joint Resolution No. 569 -- Memorials, Recognition and Thanks - Reverend Richard Willis Gordon, Murfreesboro First Baptist Church. by *Hood, *Eckles.

House Joint Resolution No. 570 -- Memorials, Death - M. Norvel Young, "Mr. Pepperdine.". by *Halteman Harwell.

House Joint Resolution No. 571 -- Memorials, Personal Occasion - Mr. and Mrs. John S. Pitts, 50th wedding anniversary. by *Hargett.

Senate Joint Resolution No. 466 -- Memorials, Sports - Shawna Jones, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 467 -- Memorials, Sports - Amie Hreno, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 468 -- Memorials, Sports - Lindsey Bush, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 469 -- Memorials, Sports - Leslie Nelson, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 470 -- Memorials, Sports - Melanie Hill, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 471 -- Memorials, Sports - Kristine Fox, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 472 -- Memorials, Sports - Jessica Lee Davis, Hendersonville High School Golden Girls Dance Team. by *Graves.

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Senate Joint Resolution No. 473 -- Memorials, Sports - Jessami Jacobson, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 474 -- Memorials, Sports - Krissy Jones, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 475 -- Memorials, Sports - Keely Williams, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 476 -- Memorials, Sports - Adriane Fertitta, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 477 -- Memorials, Sports - Michelle Fortner, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 478 -- Memorials, Sports - Megan Karl, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 479 -- Memorials, Sports - Kristen Dutton, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 480 -- Memorials, Sports - Kelly Hill, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 481 -- Memorials, Sports - Amy Becker, Hendersonville High School Golden Girls Dance Team. by *Graves.

Senate Joint Resolution No. 484 -- Memorials, Personal Occasion - Amanda Leigh Leatherwood. by *Person, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 485 -- Memorials, Personal Occasion - Verda and Roy Napier, 50th Anniversary. by *Kurita.

Senate Joint Resolution No. 486 -- Memorials, Recognition and Thanks - Fowler Stanton, Oldest Band Director. by *Burks, *Burks.

Senate Joint Resolution No. 487 -- Memorials, Sports - 1997-1998 Murfreesboro Central Middle School girls' basketball team, Tennessee Middle School Athletic Association state champions. by *Womack.

Senate Joint Resolution No. 488 -- Memorials, Academic Achievement - Belmont University School of Nursing Honor Society, official chapter of Sigma Theta Tau International. by *Kurita, *Harper.

Senate Joint Resolution No. 489 -- Memorials, Death - Guy Austin Baggett. by *Kurita.

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Senate Joint Resolution No. 493 -- Memorials, Recognition and Thanks - Centerville Women's Club, 50th Anniversary. by *Springer.

Senate Joint Resolution No. 502 -- Memorials, Public Service - Marcia D. Allen. by *Harper.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2718; by Rep. Bowers

House Bill No. 2395; by Rep. Williams

House Bill No. 3135; by Rep. Bowers

House Bill No. 2613; by Rep. Bowers

House Bill No. 2739; by Rep. Brooks

House Bill No. 3227; by Rep. Brooks

House Joint Resolution No. 566; by Rep. Stamps

Under the rules, House Bill No: 2718, 2395, 3135, 2613, 2739, 3227 and House Joint Resolution No. 566. was/were placed at the foot of the calendar for March 11, 1998.

On previous motion, the Rules were suspended to adopt House Joint Resolution No. 571.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 3163 -- Sentencing - Allows court to consider felony consideration in determining sentence range. Amends TCA Title 40, Chapter 35. by *Hargrove, *Buck, *Jackson, *Scroggs, *McDonald, *Pleasant, *Haley, *Hargett. (*SB2941 by *Person, *Davis L, *Crutchfield)

Rep. Hargrove moved that House Bill No. 3163 be passed on third and final consideration.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Hargrove moved that **House Bill No. 3163** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	85
Noes.....	0
Present and not voting.....	8

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boyer, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Armstrong, Bowers, Brooks, Brown, Cooper, Kernell, Miller, Towns -- 8.

A motion to reconsider was tabled.

***House Bill No. 262** -- DUI/DWI Offenses - Reduces from 15 to ten days time for commissioner of safety to make decision in DUI driver license suspension case Amends TCA Title 55, Chapter 10. by *Hargrove. (SB1361 by *Rochelle)

Rep. Hargrove moved that House Bill No(s). 262 be reset for the Regular Calendar on March 23, 1998, which motion prevailed.

House Bill No. 3169 -- District Attorneys - Rewrites duties of district attorneys general and other requirements controlling prosecution of county officials for violations of statutory duties. Amends TCA Title 2; Title 3; Title 4; Title 5; Title 8; Title 9; Title 11; Title 13 and Title 18. by *Hargrove, *Scroggs, *Jackson, *Pleasant, *Haley, *Hargett. (*SB2947 by *Rochelle, *Crutchfield, *Graves)

Rep. Hargrove moved that House Bill No. 3169 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3169 by deleting item (2) of the amendatory language of SECTION 4 and renumbering the subsequent items accordingly.

FURTHER AMEND by deleting SECTION 9 in its entirety and renumbering subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 3169**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Nafieh -- 97.

A motion to reconsider was tabled.

House Bill No. 2615 -- Teachers - Revises requirements of tests to be completed by persons wishing to teach. Amends TCA Section 49-5-5605. by *Davidson, *Windle, *Ferguson, *Winningham. (*SB2522 by *Springer)

Rep. Davidson requested that House Bill No. 2615 be moved to the heel of the Calendar.

MONDAY, MARCH 9, 1998 -- SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 3303** -- Education - Authorizes state agencies to remedy local school placed on probation and meet needs for capital expenditures. Amends TCA Titles 4, 9, 12 and 49. by *Davidson, *McDaniel. (SB3301 by *Wornack, *Rochelle, *Atchley, *McNally, *Williams)

Rep. Davidson moved that House Bill No. 3303 be passed on third and final consideration.

Rep. Pleasant moved the previous question, which motion prevailed.

Rep. Davidson moved that **House Bill No. 3303** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Goins, Haley, Hargett, Walker (Blount) -- 4.

A motion to reconsider was tabled.

House Bill No. 3025 -- Courts - Requires chief justice and president of clerks association to agree to any software changes for judicial information system before funds may be spent Amends TCA Title 16, Chapter 3, Part 8. by *Buck. (*SB2948 by *Rochelle)

Rep. Buck moved that House Bill No. 3025 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3025 by deleting language after the enacting clause and substituting instead the following:

Tennessee Code Annotated, Title 16, Chapter 3, Part 8, is amended by adding the following new section:

(a) There is hereby created a Tennessee Judicial Information System advisory committee to oversee the development and modification of application software for the Tennessee Judicial Information System. The committee shall be composed of eighteen (18) members; five (5) court clerk members from each grand division appointed by the president of the Tennessee Court Clerks Association; one (1) representative of the county audit division of the office of the Comptroller of the Treasury; the president of the Tennessee Court Clerks Association and the administrative director of the courts shall serve as ex-officio members.

(b) The advisory committee shall meet quarterly to review the development of the Tennessee Court Information System (TnCIS) software until the software is implemented statewide and collecting data from all 95 counties.

(c) After implementation, the advisory committee shall meet periodically, as necessary, to review any major functional modification to TnCIS software. Provided, however, no major functional modification shall be made to such software without agreement between the administrative director of the courts and the president of the Tennessee Court Clerks Association.

(d) Any court clerk's office which has a significant investment in an existing computer system shall not be required to modify or convert such existing system to accept TnCIS software. Provided, however, such court clerk shall report electronically all data required under Supreme Court Rule 11 § 2 or otherwise required by the supreme court in a format prescribed by the administrative director of the courts.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 3025**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2611 -- Historical Commission - Adds War of 1812 and Mexican War to wars that are within scope and jurisdiction of Tennessee wars commission Amends TCA Title 4, Chapter 11, Part 5. by *McDaniel. (*SB2142 by *Henry)

Rep. McDaniel moved that House Bill No. 2611 be passed on third and final consideration.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2611 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-11-501, is amended by deleting the language "American Revolution" and substituting instead the language "French and Indian War, American Revolution, War of 1812, U.S.-Mexican War,".

SECTION 2. Tennessee Code Annotated, Section 4-11-502, is amended by deleting the language "American Revolution" from subsection (a)(1) and substituting instead the language "French and Indian War, American Revolution, War of 1812, U.S.-Mexican War,"

SECTION 3. Tennessee Code Annotated, Section 4-11-502, is further amended by deleting the language "American Revolution" in subsection (a)(8) and substituting instead the language "French and Indian War, American Revolution, War of 1812, U.S.-Mexican War,"

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved that **House Bill No. 2611**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 3152 -- Criminal Offenses - Creates Class E felony offense of indecent exposure when defendant is age 18 or older, victim is under age 13 and defendant has two or more prior indecent exposure convictions. Amends TCA Title 39, Chapter 13. by *Maddox, *Hargrove, *Jackson, *Scroggs, *Newton, *Fitzhugh. (*SB2930 by *Crutchfield, *Haun, *Millan, *Harper)

Rep. Maddox moved that **House Bill No. 3152** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2428** -- Education - Eliminates probationary teaching licensing
Amends TCA Section 49-5-5231. by *Maddox, *Tidwell. (SB2602 by *Herron)

Rep. Maddox moved that House Bill No. 2428 be passed on third and final consideration.

Rep. Davidson moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2428 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-5231, is amended by deleting the section in its entirety and substituting instead the following:

A person who holds a license as a probationary teacher before June 30, 1998 shall be entitled to receive a professional teacher's license with renewal upon request if such probationary teacher has a doctoral degree in education.

On motion, Amendment No. 1 was adopted.

Rep. Maddox requested that House Bill No. 2428 be moved down 3 places on the Calendar.

House Bill No. 2967 -- Limitation of Actions - Establishes eight year limitation of prosecution for arson which is Class C felony if other than place of worship; change conforms to present eight year limitation for Class B felony if arson of place of worship. Amends TCA Title 39, Chapter 14, Part 3 and Section 40-2-101. by *Pleasant, *Haley, *Ford S, *Hargett, *Miller L, *Kent, *Cole (Carter), *Turner (Shelby), *Chumney, *Jones U (Shelby). (*SB3136 by *Dixon, *Gilbert, *Henry)

Rep. Pleasant moved that House Bill No. 2967 be passed on third and final consideration.

Rep. Turner(Shelby) moved the previous question, which motion prevailed.

Rep. Pleasant moved that **House Bill No. 2967** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....97
Noes.....0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2469** -- Driver Licenses - Revises fees for restoration of driver license when person fails to pay fees for traffic violations. Amends TCA Section 16-15-713; Title 29, Chapter 9, Part 1; Section 55-12-114(c); Section 55-12-115(a); Section 55-12-129; Section 55-50-118(c) and Section 55-50-502(a)(9). by *Turner (Shelby), *Robinson, *Burchett, *Buck, *Haley, *White, *Davis R. (SB2566 by *Haun)

Rep. Turner(Shelby) moved that House Bill No(s). 2469 be reset for the Regular Calendar on March 11, 1998, which motion prevailed.

House Bill No. 2195 -- Consumer Protection - Prohibits telemarketers from offering lottery winnings to consumers in exchange for incurring monetary obligation or making a purchase; violation is theft and graded as such; clarifies such practice violates Consumer Protection Act. Amends TCA Title 39 and Title 47, Chapter 18. by *McDonald, *Davidson, *Head, *Fowlkes, *Williams (Williamson), *Pinion, *Hood, *Rhinehart, *Lewis, *Ferguson, *Curtiss, *Ridgeway, *Fitzhugh. (*SB2190 by *Rochelle)

On motion, House Bill No. 2195 was made to conform with **Senate Bill No. 2190**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 2190 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. McDonald moved that **Senate Bill No. 2190** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2428** -- Education - Eliminates probationary teaching licensing. Amends TCA Section 49-5-5231. by *Maddox, *Tidwell. (SB2602 by *Herron)

Further consideration of House Bill No. 2428 previously considered on today's Calendar at which time the House adopted Amendment No. 1.

Rep. Maddox moved that **House Bill No. 2428**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0
Present and not voting..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Boyer -- 1.

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A motion to reconsider was tabled.

***House Bill No. 2079** -- Marriage - Restricts ministers who may solemnize rite of matrimony to those who are ordained; validates marriage performed by minister of Universal Life Church before effective date. Amends TCA Title 36, Chapter 3. by *Halteman Harwell, *Burchett, *Chumney. (SB2594 by *Herron)

Rep. Halteman Harwell moved that House Bill No(s). 2079 be reset for the Regular Calendar on March 23, 1998, which motion prevailed.

***House Bill No. 2202** -- Day Care - Requires DHS licensure application and renewal fees, collected from family child care homes, group child care homes and child care centers, to be earmarked and used solely for training and educational programs and services for child care providers. Amends TCA Section 71-3-506. by *Halteman Harwell, *Caldwell. (SB2297 by *Fowler)

On motion, House Bill No. 2202 was made to conform with **Senate Bill No. 2297**; the Senate Bill was substituted for the House Bill.

Rep. Halteman Harwell moved that **Senate Bill No. 2297** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2970 -- Health - Establishes procedures and protections for use of automatic external defibrillators to save life of person in cardiac arrest. Amends TCA Section 63-6-218 and Title 68, Chapter 140. by *Halteman Harwell, *Caldwell, *Patton. (*SB3125 by *Henry)

MONDAY, MARCH 9, 1998 -- SEVENTY-FIRST LEGISLATIVE DAY

Rep. Halteman Harwell moved that House Bill No. 2970 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2970 by deleting Section 5 in its entirety and by substituting instead the following as a new Section 5:

Section 5. Tennessee Code Annotated, Section 63-6-218(b)(1), is amended by inserting the language "including use of an automatic external defibrillator," between the language "facility," and "to the victim".

On motion, Amendment No. 1 was adopted.

On motion, Rep. Armstrong withdrew Health & Human Resources Committee Amendment No. 2.

Rep. Halteman Harwell moved that **House Bill No. 2970**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 3014** -- Education - Authorizes Watkins Institute trustees to sell or exchange real or personal property and to construct or lease property. Amends TCA Title 49, Chapter 50, Part 7. by *Halteman Harwell. (SB3162 by *Henry)

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Rep. Halteman Harwell moved that **House Bill No. 3014** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 3217 -- Alcoholic Beverages - Redefines "convention center" in relation to premises where certain alcoholic beverages can be consumed. Amends TCA Section 57-4-102(10)(A). by *Halteman Harwell, *West, *Jones, S., *Langster, *Arriola, *Boner, *Robinson, *Odom. (*SB2795 by *Crutchfield)

Rep. Halteman Harwell moved that House Bill No(s). 3217 be reset for the Regular Calendar on March 23, 1998, which motion prevailed.

House Bill No. 1085 -- Taxes - Exempts "monuments of the deceased" rather than "monuments of the dead" from taxation. Amends TCA Title 67. by *Scroggs. (*SB1103 by *Rochelle)

Rep. Scroggs moved that House Bill No(s). 1085 be reset for the Regular Calendar on March 19, 1998, which motion prevailed.

***House Bill No. 2223** -- Taxes - Tolls 90 day period for filing lawsuit when taxpayer requests conference with commissioner challenging tax assessment. Amends TCA Section 67-1-1801. by *Scroggs, *McDaniel. (SB2238 by *McNally, *Atchley)

On motion, House Bill No. 2223 was made to conform with **Senate Bill No. 2238**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that **Senate Bill No. 2238** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2732 -- Tort Liability - Provides that cause of action for child, whose death was caused by wrongful act or omission of another, does not pass to child's parents if child had been legally surrendered or abandoned by them pursuant to any court order removing child from their custody. Amends TCA Section 20-5-106. by *Scroggs, *Hargett. (*SB2756 by *Person)

Rep. Scroggs moved that **House Bill No. 2732** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Cooper, Kernell, Towns -- 3.

A motion to reconsider was tabled.

House Bill No. 3154 -- Criminal Offenses - Separates offense of aggravated child abuse and neglect into two separate offenses. Amends TCA Title 39, Chapter 13 and Title 39, Chapter 15. by *Hood, *Hargrove, *McMillan, *Jackson, *Scroggs, *Newton. (*SB2932 by *Haynes, *McNally, *Crutchfield, *Graves, *Harper)

Rep. Hood moved that House Bill No. 3154 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3154 by deleting from Section 1(a)(2), the words "or neglect".

On motion, Amendment No. 1 was adopted.

Rep. Hood moved that **House Bill No. 3154**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Joint Resolution No. 331** -- General Assembly, Directed Studies - Directs department of environment and conservation to study implementation of program warning public of presence of hazardous and toxic wastes at certain Superfund sites. by *DeBerry J.

Rep. J. DeBerry moved adoption of House Joint Resolution No. 331.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 331 By deleting the language "January 15, 1998" in the second resolving clause and by substituting instead the language "April 15, 1999".

On motion, Amendment No. 1 was adopted.

Rep. J. DeBerry moved adoption of **House Joint Resolution No. 331**, as amended, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Nalfeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1262** -- Agriculture - Creates agricultural resources conservation fund. Amends TCA Section 67-4-409. by *Bittle, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough (H), *McKee, *Newton, *Scroggs, *Godsey, *Halteman Harwell, *Walker (Rhea), *McAfee, *Mumpower, *Roach, *Dunn, *Sargent, *Davidson, *Phelan, *Givens, *Tidwell. (SB1662 by *Williams, *Elsea, *McNally, *Jordan, *Koella, *Atchley, *Person, *Haun, *Carter, *Ramsey, *Gilbert, *Miller J, *Fowler, *Leatherwood, *Crowe)

Further consideration of House Bill No. 1262 previously considered on February 23, 1998, and reset to today's Calendar.

On motion, House Bill No. 1262 was made to conform with **Senate Bill No. 1662**; the Senate Bill was substituted for the House Bill.

Rep. Bittle moved that Senate Bill No. 1662 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1662 by deleting in Section 1 of the printed bill the language "Section 67-4-409(1) and by substituting instead the language "Section 67-4-409(l)".

AND FURTHER AMEND in Section 1 of the printed bill by deleting the language "(1) Agricultural Resources Conservation Fund." and by substituting instead the language "(l) Agricultural Resources Conservation Fund."

AND FURTHER AMEND in Section 2 of the printed bill by deleting the language "Section 67-4-409(1)" and by substituting instead the language "Section 67-4-409(l)".

AND FURTHER AMEND in Section 3 of the printed bill by deleting the language "Section 67-4-409(1)" and by substituting instead the language "Section 67-4-409(l)".

On motion, Amendment No. 1 was adopted.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1662 By deleting the first sentence of the amendatory subdivision (2) in Section 2 in its entirety and by substituting instead the following:

The commissioner of agriculture shall expend the funds which are deposited in the agricultural resources fund for purposes of landowner assistance to address point and nonpoint source water quality issues as well as nuisance problems including but not limited to odor, noise, dust and similar concerns.

AND FURTHER AMEND by deleting the last sentence of the amendatory subdivision (3) in Section 3 in its entirety and by substituting instead the following:

No more than ten percent (10%) of the fund may be used by the grantee for management costs associated with the administration of grants and/or technical assistance to accomplish the purposes of the fund. It is the intent of the legislature that the highest priority of the agricultural resources conservation fund is to abate and prevent nonpoint source water pollution that may be associated with agricultural production. The commissioner of agriculture may, therefore spend no more than fifteen percent (15%) of the annual appropriations from the fund for the combined purposes of preventing or remedying point source water pollution that may be associated with air, noise, dust, odor, or similar nuisance type problems.

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On motion, Amendment No. 2 was adopted.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 2 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1662 By adding the following language at the end of the amendatory subdivision (3) in Section 3:

No expenditure from the fund shall be made to fund salaries, staff positions, or any other administrative costs of the department of agriculture.

On motion, Amendment No. 3 was adopted.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 3 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 1662 By deleting the language "subdivision (1)(2)" in the second sentence of the amendatory language in Section 1 and by substituting instead the language "subdivision (1)(2)".

On motion, Amendment No. 4 was adopted.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Bittle moved that **Senate Bill No. 1662**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	2
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Brooks, Cooper -- 2.

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Representatives present and not voting were: Bowers, Brown -- 2.

A motion to reconsider was tabled.

House Bill No. 2854 -- Liens - Removes right to lien if garagekeeper fails to notify rental company within 24 hours of towing vehicle; further trier of fact may infer that garagekeeper has committed offense of theft if fails to notify rental company. Amends TCA Title 55, Chapter 16, Part 1 and Title 66, Chapter 19, Part 1. by *Arriola. (*SB2791 by *Burks)

Further consideration of House Bill No. 2854 previously considered on March 2, 1998, and reset to today's Calendar.

Rep. Arriola moved that House Bill No. 2854 be passed on third and final consideration.

Rep. Arriola moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2854 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 66-19-103(a), is amended by deleting the last sentence in its entirety, by designating the existing language of the subsection as subdivision (1) and by adding the following language at the end of the new subdivision (1):

If the motor vehicle, including any associated rental equipment, clearly identifies the rental company and the rental company is on the central notice list for such rental companies maintained by the commissioner of commerce and insurance, then the garagekeeper or towing firm shall notify the rental company at the address on the list maintained by the commissioner within twenty-four (24) hours of taking possession of such vehicle or equipment by registered mail return receipt requested. If the rental company is not on the central notice list maintained by the commissioner, then the garagekeeper or towing firm shall notify the rental company at the last known address available to the garagekeeper or towing firm or based on information on or with the rental vehicle, if any.

Section 2. Tennessee Code Annotated, Section 66-19-103(a), is amended by adding the following as new subdivision (2), (3) and (4):

(2) The commissioner of commerce and insurance or the commissioner's designee shall:

(A) Impose a penalty of thirty-five dollars (\$35) per day on a garagekeeper or towing firm for failing to comply with the notification requirements of subdivision (1); and

(B) Notify the commissioner of finance and administration of such penalty. Upon receiving such notice, the commissioner of finance and administration shall suspend any contract that the state may have for towing services with the garagekeeper or towing firm for a period of sixty (60) days.

(3) The rental company may recover damages for any harm to the vehicles or equipment that occur in towing or storage.

(4) All moneys collected pursuant to subdivision (2) shall be deposited in the general fund for the benefit of the Tennessee motor vehicle commission.

Section 3. Tennessee Code Annotated, Title 55, Chapter 16, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section _____. Any person providing garagekeeper's or towing services shall register with the department of commerce and insurance. The commissioner of commerce and insurance shall by rule set a registration fee and an annual renewal fee. The registration and annual renewals shall indicate the person's places of business and identify all vehicles used in towing by such garagekeeper or towing firm. Rental companies for motor vehicles and associated equipment may file an address with the commissioner to which the notice required by Section 66-19-103 may be sent. The commissioner shall maintain a list of such rental companies and distribute such list annually to all persons registering under this section. Failure to register under this section when required to do so shall subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) and the commissioner shall notify the commissioner of finance and administration of such penalty. Upon receiving such notice, the commissioner of finance and administration shall suspend any contract which the state may have for towing services with the garagekeeper or towing firm for a period of sixty (60) days.

Section 4. The commissioner of commerce and insurance is authorized to promulgate rules and regulations to effectuate the purposes of this act in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

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Section 5. This act shall take effect July 1, 1998, the public welfare requiring it.

Rep. Arriola moved to amend as follows:

Amendment No. 1 to Amendment No. 2

AMEND House Bill No. 2854 In first sentence of the amendatory language of Section 3 by deleting the language "providing garagekeeper's or towing services" and by substituting instead the language "who tows and stores vehicles for a fee".

AND FURTHER AMEND in the amendatory language of Section 3 by deleting the second and third sentences in its entirety and by substituting instead the following: "The commissioner of commerce and insurance shall charge a biannual registration and/or renewal fee of thirty-five dollars (\$35.00). The registration and biannual renewals shall indicate the person's places of business and identify all vehicles used in towing by such towing firm."

Rep. Arriola moved that House Bill No(s). 2854 be reset for the Regular Calendar on March 23, 1998, which motion prevailed.

***Senate Bill No. 180** -- Election Laws - Prohibits county election commission from permitting inspection of public record containing social security number to any person other than holder of number unless record is redacted. Amends TCA Title 2, Chapter 2. by *Fowler. (HB422 by *Sharp, *Ford S)

Further consideration of Senate Bill No. 180, previously considered on March 2, 1998, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 2, 3 and 4 and reset the bill to today's Calendar.

Rep. Sharp moved that Senate Bill No(s). 180 be reset for the Regular Calendar on March 18, 1998, which motion prevailed.

House Bill No. 2615 -- Teachers - Revises requirements of tests to be completed by persons wishing to teach. Amends TCA Section 49-5-5605. by *Davidson, *Windle, *Ferguson, *Winningham. (*SB2522 by *Springer)

Further consideration of House Bill No. 2615 previously considered on today's Calendar.

On motion, House Bill No. 2615 was made to conform with **Senate Bill No. 2522**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that **Senate Bill No. 2522** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McDonald moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 507 out of order, which motion prevailed.

Senate Joint Resolution No. 507 -- Memorials, Public Service - Freeman Ippock, Citizen of the Year. by *Graves.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. McDonald, the resolution was concurred in.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 11, 1998:

House Bill No. 2025: by Representative Phelan

House Bill No. 2116: by Representative Stulce

BILL RECALL REQUESTED

Rep. Pruitt moved to recall House Bill No. 3369 from the Governor, which motion prevailed.

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BILLS WITHDRAWN

On motion of Rep. Eckles, **House Bill No. 2546** was recalled from the Conservation & Environment Committee and withdrawn from the House.

ANNOUNCEMENTS

The Clerk announced that the Report of the Special Committee to study day care issues authorized by House Resolution No. 71 has been submitted and is on file in the Clerk's Office.

ENGROSSED BILLS

March 9, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2143, 2220, 2428, 2611, 2616, 2685, 2732, 2735, 2915, 2967, 2970, 3014, 3025, 3028, 3152, 3154, 3163, 3169, 3212, 3303, 3374, 3375, 3376, 3377, 3378, 3379 and 3380, also, House Joint Resolution(s) No(s). 331, 564, 569, 570 and 571.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2272; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2272 -- Contractors - Exempts Houston County from requirement that person building dwelling on private property for resale be licensed and from requirement that contractor building residence or dwelling on private property for resale, lease or rent be licensed and submit evidence of qualifications. Amends TCA Title 62, Chapter 6, by *Kurita.

MESSAGE FROM THE SENATE

March 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1520, 2707, 2798, 2937, 2962, 3173 and 3371; also, House Joint Resolution(s) No(s). 497, 540, 541, 542, 543 and 544; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, March 11, 1998.